

WASHINGTON COUNTY DISTRICT COURT LIMITED ENGLISH PROFICIENCY (LEP) PLAN

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Washington County District Court to provide services to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with Washington County District Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Minnesota Judicial Branch Court Interpreter Program.

II. NEEDS ASSESSMENT

A. Statewide

The State of Minnesota provides court services to a wide range of persons, including people who do not speak English or who are hearing impaired. Service providers include the Minnesota Supreme Court, the Court of Appeals and trial courts in the ten judicial districts.

According to the Minnesota Court Interpreter Program, which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota courts in 2004 were (in descending order of frequency):

1. Spanish
2. Somali
3. Hmong
4. American Sign Language
5. Vietnamese

B. Washington County District Court

Washington County District Court will make every effort to provide service to all LEP persons. However, the following list shows the languages that are most frequently used in the area.

- Spanish
- Hmong
- Vietnamese

This information is based on data from the Minnesota Court Interpreter Program.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

By Minnesota statute, it is “the policy of this State that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” Minn. Stat. § 611.30 (2006). A person “disabled in communication” is one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law. Minn. Stat. §§546.42, 611.31, (2006).

In the Washington County District Court, sign language interpreters will be provided at court expense for all deaf court customers in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court customers who are “disabled in communication” under the following circumstances:

- Interpreters will be provided at no cost for litigants and witnesses in criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses in civil hearings
- Interpreters will be provided at no cost for litigants and witnesses in juvenile hearings; and
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that “[p]ayments for any activities requiring interpreter services on behalf of law enforcement, the board of public defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services.”

Courtroom spectators with disabilities are participants in the court program and are entitled to such aids or services as will afford them an equal opportunity to follow the court proceedings. The ultimate determination of which “spectators” are ultimately accommodated and the type of accommodation received, should be determined on a case by case basis and should not result in an undue financial or administrative burden being imposed on the court. Where a court has the responsibility for providing qualified sign-language interpreters, it also has the responsibility to pay for the services of the interpreters. In addition, the ADA regulations specifically prohibit interpreting services being assessed as an element of normal “court costs.”

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Washington County District Court will determine whether an LEP court customer needs an interpreter for a court hearing. First, the LEP person may request an interpreter. The Washington County District Court displays a sign translated into Minnesota's eleven most frequently used languages which states: "*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*" The Washington County District Court displays this sign in the hallway as you enter into the courtroom area next to the fine payment window, under the Room #267 sign.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Third, the Minnesota Court Information System (MNCIS), which is the statewide case management system, will track interpreter needs through case records and party records. Case record interpreter flags will assist staff in making sure that they know an interpreter is needed for the next hearing on a particular case. Party record interpreter information stays with the party and would be available statewide for future filings and party search results for that same individual.

Finally, on February 3, 2006, Washington County Court Administration and other outside agencies (County Attorney, City Prosecutors and The Department of Community Corrections) met and discussed LEP individuals, all agencies agreed to provide prompt notification to court administration regarding any individuals that require the services of an interpreter. These needs can be communicated to the Interpreter Scheduler via email, telephone or through the use of a written interpreter request form. (*See attachments A & B*)

2. Court Interpreter Qualifications

The Washington County District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by the Minnesota Court Interpreter Program (CIP) and Rule 8 of the General Rules of Practice for the District Courts. The CIP maintains a statewide roster of

interpreters who may work in the courts. This roster is available to court staff on CourtNet and the Supreme Court's web site. Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility. In accordance with Rule 8, the Washington County District Court appoints "certified" interpreters when available. To be certified, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. Minnesota court certified interpreters are currently available in the following languages: Spanish, Hmong, American Sign Language, Vietnamese, Russian and Mandarin Chinese. When the Washington County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Washington County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the Washington County District Court appoints non-certified interpreters who are not listed on the roster only when certified and rostered interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

As a last resort, the Washington County District Court may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff that are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

More information on court interpreters is available to court personnel in the "Best Practices Manual on Interpreters in the Minnesota State Court System," published and maintained by the State Court Administrator's Office, available at <http://www.mncourts.gov/?page=463>.

B. Spoken Language Services Outside The Courtroom

The Washington County District Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the Washington County District Court has the following resources to help LEP individuals and court staff communicate with each other:

- When court staff does not know what language the customer is speaking, they may use "I speak" cards in different languages available at each customer service counter and in every courtroom. These cards are meant to assist the LEP individual in communicating to court administration the type of interpreter needed. (*See attachment C*)
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- For telephone conversations, the Washington County Court uses the Language Line when interpreters are not immediately available.

- In order to meet simple communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.

www.freetranslation.com Translation available between English and: Italian, Dutch, Portuguese, Russian, Spanish and Chinese.

<http://translation2.paralink.com/> Translation available between English and: French, German, Portuguese, Russian and Spanish.

<http://world.altavista.com/> Translation available between English and: Chinese, Dutch, French, German, Greek, Italian, Japanese, Korean, Russian, Portuguese, and Spanish.

http://www.worldlingo.com/en/products_services/worldlingo_translator.html Translation available between English and all languages listed in Altavista above.

Court staff that have some knowledge of the Spanish language may consult the Spanish/English glossary developed by the North Carolina courts located at http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/Clerks_Manual.pdf or refer to the translated Spanish phrases: (see attachment D).

C. Translated Forms & Documents

The Minnesota Courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Washington County District Court currently has the following forms translated into commonly used languages:

- Criminal Court Forms have been translated into Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese. These forms include Rule 15 Plea Petitions (Felony and Gross Misdemeanor); Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor Statements of Rights; Gross Misdemeanor DUI Statement of Rights; Probation Violation Statement of Rights
- Statement of Rights for First Court Appearance on Paternity Proceedings: Cambodian, Hmong, Lao, Russian, Somali and Spanish
- Domestic Abuse forms have been translated into Spanish, Somali, Hmong, Vietnamese, Russian, Lao, Arabic, Oromo and Khmer. These include: Instructions to Apply for an Order for Protection; Petitioner's Affidavit and Petition for Order for Protection; Notice to Petitioner; Petitioner's Information Sheet; Law Enforcement Information Sheet; Domestic Abuse Instruction Sheet; Respondent's Petition for Hearing; Affidavit and Motion to Modify Order for Protection; and Application for Extension of Order for Protection; Notice of Change of Address.

These translated forms are available on CourtNet for internal use, and available to the general public at: <http://www.courts.state.mn.us/forms/Default.aspx?pageID=9007&activeLink=138>

Washington County District Court also has a document that can be used in the courtrooms informing the LEP individual that his/her hearing is delayed or rescheduled because of interpreter unavailability. The translations are completed in the 12 most commonly interpreted languages.



Delay - Interpreter
Case.pdf

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

IV. TRAINING

The Minnesota Courts are committed to providing LEP training opportunities for all staff members who come in contact with LEP individuals. All new Minnesota Judicial Branch employees undergo training on using interpreters and serving LEP customers at the mandatory Judicial Branch Orientation. Additionally, all new judges elected or appointed to the state court bench are trained on interpreter issues at the New Judge Orientation. Training opportunities specifically provided in the Washington County District Court include:

- Training for front line staff members, who are often the first points of contact with LEP individuals, is provided by court personnel. They are trained on ways to identify LEP people, including the use of “I speak” cards, and how to deliver services to LEP individuals.
- New employees are trained on the LEP plan as part of their new employee orientation provided by county personnel.
- Available for staff review is “Breaking Down the Language Barrier,” a video training tool provided by the Department of Justice.
- In addition, the SCAO Education and Organizational Development Division will incorporate broader LEP training into its existing training programs, including the Judicial Branch orientation.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

The Washington County District Court’s LEP Plan has been approved by the District Administrator, and a copy has been forwarded to the State Court Administrator’s Office (SCAO). Any revisions to the plan will be submitted to the District Administrator for approval, and then forwarded to the SCAO. Copies of Washington County District Court’s LEP plan will be provided upon request. In addition, Washington County District Court will post this Plan on its website, and the SCAO will post it on the Minnesota Judicial Branch’s public website.

B. Evaluation of the LEP Plan

The Washington County District Court will review this plan on a periodic basis to determine whether changes to the LEP plan are required. This review may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. Additionally, it will be posted on the Judicial Branch's public website.

Each year the statewide Court Interpreter Program Coordinator will coordinate with the judicial district interpreter liaisons to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation may include:

- Number of LEP persons requesting court interpreters in Minnesota Courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out; and
- Gathering feedback from LEP communities around the state.

Attachment A
Washington County Based Interpreter & ADA Accommodation Plan

RATIONALE: Washington County local county agencies (law enforcement, corrections, attorneys, jail staff, human services, etc) may be aware of a person's need for an ADA accommodation or interpreter before the court appearance. These agencies can assist the courts by notifying the court before the hearing of the accommodation needed.

One of the challenges Washington County faces is coordinating last-minute interpreter requests and ADA accommodation requests. Continuances are not always recommended or a workable solution (for example, in custody defendants or in emergency protective hearings) therefore, by implementing this county-based notification process we can more readily accommodate any such requests.

Through Bench approval on 11/12/2004, Washington County has already the following initiatives in place:

1. **INTERPRETER NEEDED/REASONABLE ACCOMMODATION:** Police officers guide individuals to call the phone number for reasonable accommodations located on the *backside* of the traffic citations to ensure an interpreter is available on their scheduled court date (430-4422). *All calls are directed to the Interpreter liaison for Washington County.* In addition, officers also identify on the front of the ticket the type of interpreter needed in case the call isn't made to Court Scheduling.
2. **PHONE TREE:** Updated phone tree script to include an option to direct callers to a live body for purposes of scheduling interpreter needs; record script in English and Spanish.
3. **TRAFFIC CITATION CHANGES:** Traffic citations have been reformatted to include a check box for the officers to identify the type of interpreter needed for the court hearing (Spanish/Hmong/Other)
4. **CALENDAR PLAN:** Interpreter information is added to the master calendar in Outlook so that others needing an interpreter can look and see if one is already scheduled in another courtroom. The same interpreter can then be used for multiple hearings.
5. **STAFF AWARENESS:** Increased awareness of all court personnel (i.e. prosecutors, public defenders, judges, court staff) by communicating the need to prioritize these cases to ensure those involving interpreters are not kept waiting. (maximize the 2 hr minimum).

In addition, Washington County has implemented the following initiative:

1. **NOTIFICATION:** Increase awareness of local government agencies to allow for early notification to Court Administration of the need for an ADA accommodation or interpreter, by meeting w/local agencies to discuss and provide the rationale for using the Interpreter/Accommodation Notices.

Attachment B

Please fax to Court Admin at 651-430-6300

**Interpreter and/or
Accommodation Notice**

Our agency has recently come into contact with an individual who has an upcoming court matter, and this individual will require the services of an interpreter or a special accommodation.

Name of person: _____

Language or Description of Accommodation Needed:

Date of court appearance: _____

Type of court appearance:

☐

Traffic

☐

Criminal

☐

In Custody Hearing

☐

Juvenile

☐

Child Protection

☐

Civil/Family

☐

Other (please specify) _____

Comments: _____

Submitted by: _____
(name)

(agency)

(phone #)

Updated 6/7/2006

[Interpreter or Special Accommodation Notice.doc](#)

Attachment C – “I speak” cards

Kuv xav tau ib tug Hmoob
pab txhaia lus rau kuv.
I need a Hmong interpreter

ខ្ញុំត្រូវការអ្នកបកប្រែភាសាខ្មែរ
I need a Khmer interpreter.

ຂ້າພະເຈົ້າ ຕ້ອງການ ລຳນແປພາສາລາວ
I need a Lao interpreter

Мне нужен русский переводчик.
I need a Russian interpreter.

Turjumana afan Oromiffa enbarbana.
I need an Oromiffa interpreter.

Trebam prevodioca srpsko-hrvatskog jezika.
I need a Serbo-Croatian interpreter.

**Waxaan u baahnahey turjubaan
Somali ah.**
I need a Somali interpreter.

**Necesito servision de intérprete
en español.**
I need a Spanish interpreter.

Tôi cần thông dịch viên tiếng Việt.
I need a Vietnamese interpreter.

انا احتاج مترجم عربي
I need an Arabic interpreter

[Link to interpreter card order form](#)

DHS-4374-BNG 7-02

Attachment D

Commonly Used Spanish Phrases

Buenos días. Buenas tardes

Le puedo ayudar?

Si

Habla usted Ingles?

No, no hablo ingles

Mi nombre es _____

Trabajo por la corte.

Tiene sus paples de corte?

Si

Qual es su nombre?

Mi nombre es _____

Escribe lo por favor.

Usted esta aqui para corte or una audiencia?

Usted esta aqui para poner su fianza?

Usted esta aqui para pagar su multa?

Usted esta aqui para archivar documentos?

Poner en libertad bajo fianza

Tiene usted citacion?

Tiene usted cargos criminales?

Tiene usted un caso civil?

Usted tiene un abobado?

Usted necesita un interprete?

Sigue me por favor.

Usted necesita registrase con la corte.

No entiendo.

Por favor, hable despacio.

Solo hablo un poco de espanol..

Por favor, gracias, si, no

El juez

El fiscal

Defenso publico

Good morning. Good afternoon

May I help you?

Yes, I would like help please.

Do you speak English?

No. No I don't speak English.

My name is _____

I work for the court.

Do you have court papers?

Yes,

What is your name?

My name is _____

Write it down please.

Are you here for a hearing?

Are you here to post bail?

Are you here to pay a fine?

Are you here to file documents?

Release with bail

Do you have a citation?

Do you have a criminal charge?

Do you have a civil case?

Do you have an attorney?

Do you need an interpreter?

Follow me please.

You need to sign in with the court.

I do not understand.

Speak more slowly, please.

I only speak a little Spanish.

Please, thank you, yes, no

Judge

County or city attorney

Public defender

LEP Contact Person

State Contact:

Kathie LaCosse
Court Interpreter Program Coordinator
25 Rev. Dr. Martin Luther King Blvd.
Saint Paul, MN 55155
Kathleen.lacosse@courts.state.mn.us
Tel: 651-284-0575

Local Contact:

Debbie Richert
Court Administration
14949 62nd Street N.
P. O. Box 3802
Stillwater, MN 55082
deb.richert@courts.state.mn.us
Tel: 651-430-4422

The effective date of this LEP plan is _____.

SUBMITTED BY:



CHRISTINA M. VOLKERS,
COURT ADMINISTRATOR

DATE: 8/21/08

APPROVED BY: _____

MIKE MORIARITY,
DISTRICT ADMINISTRATOR

DATE: _____

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